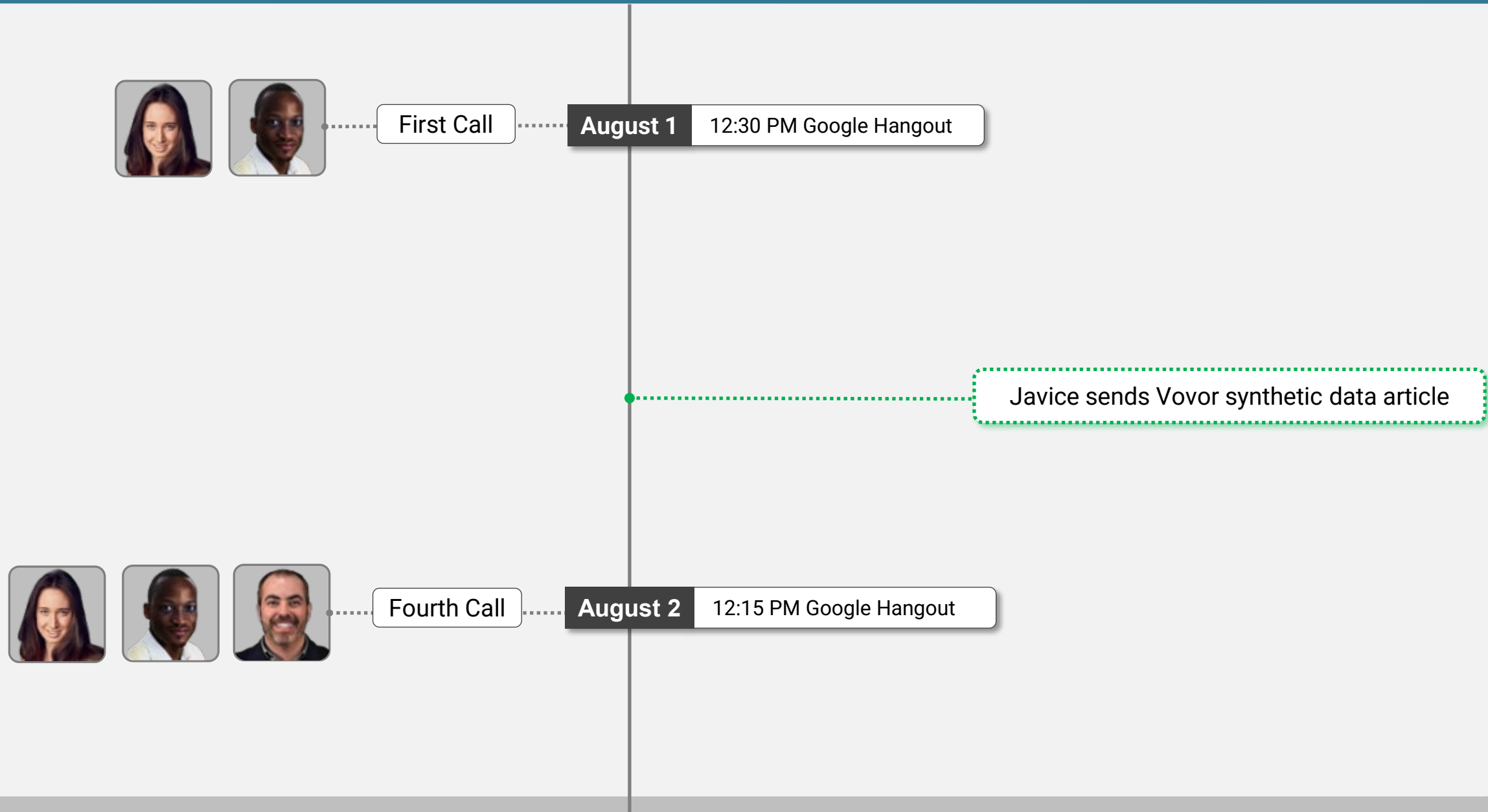


# EXHIBIT C

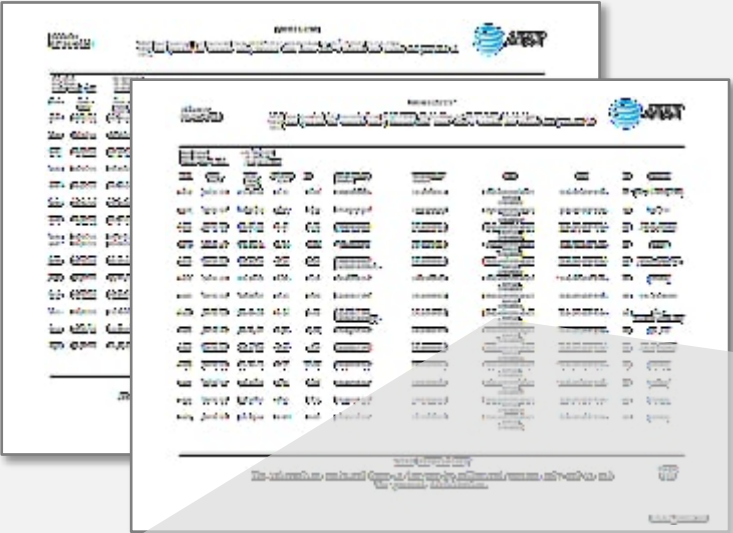
## PART 3 OF 3





# The Truth



# No Conspiracy: August 1-2

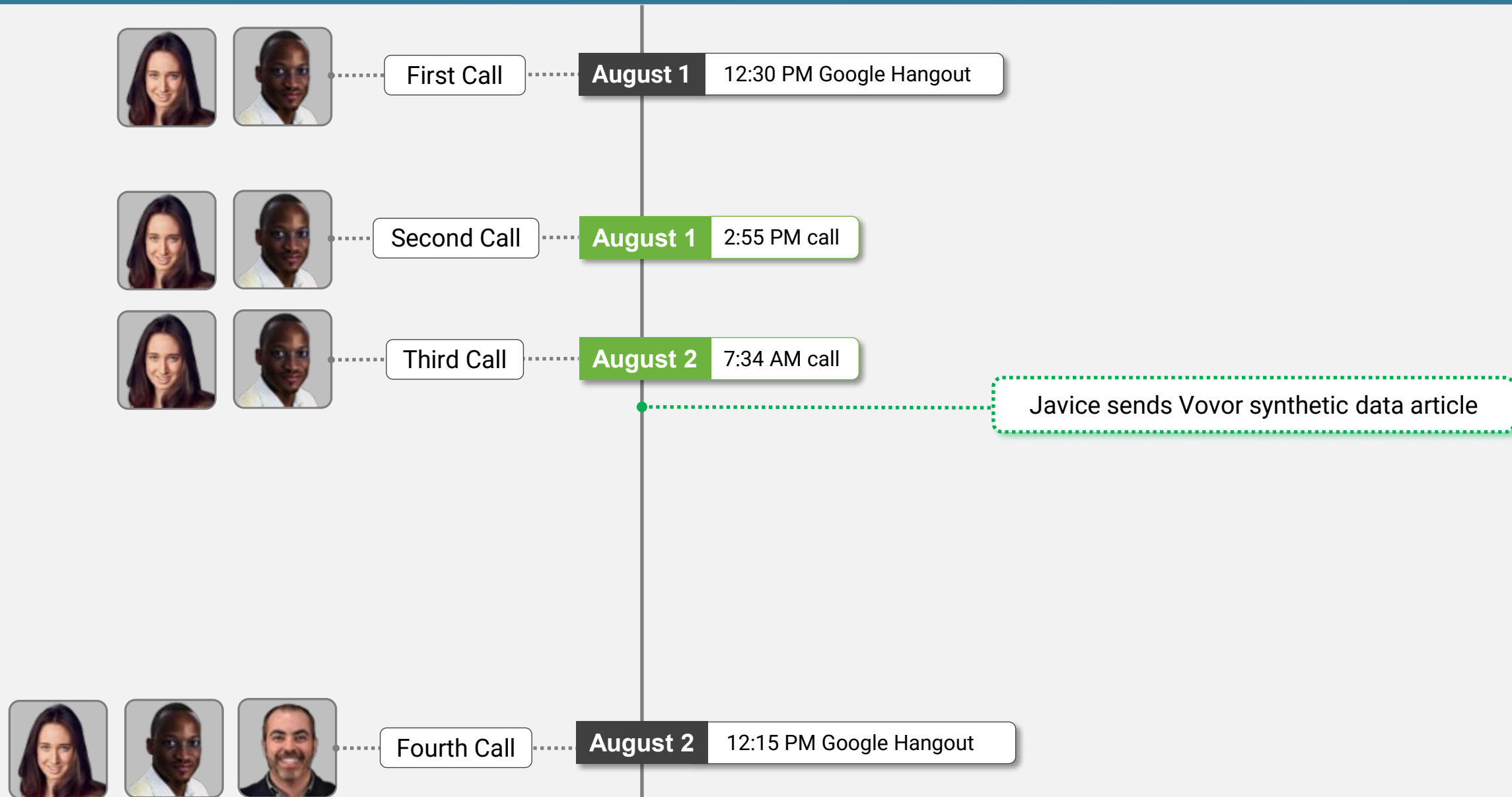
## There Were Two Additional 1-on-1 Calls Before Aug. 2 Google Hangout



Item	Conn. Date	Conn. Time (UTC)	Seizure Time	BT	Originating Number	Terminating Number	IMEI	IMSI	CT	Feature
4600	08/01/21	2:55 PM ET	0:08	9:02	 9314	 0041	APPLE IPHONEXS		MO	[Wi-Fi]
4624	08/02/21	7:34 AM ET	0:17	12:20	 9314	 0041	APPLE IPHONEXS		MO	[VCORR]



# The Truth



**No Conspiracy: August 1-2****Mr. Vovor Actually Viewed visitors-geo on Aug. 1****DIRECT  
EXAMINATION**

**Peter Manning**  
Managing Director

**NAXO**

- Q. Mr. Manning, what action took place, according to this metadata, at . . . 12:53:33 Eastern time?
- A. . . . it's viewed by GAIA ID ending in 582, at the time on August 1, 2021, 12:53:33 Eastern Standard Time.
- Q. And the GAIA ID ending in 582, is that the one associated with patrick@withfrank.org?
- A. That's correct.
- Q. So does this mean on August 1, 2021, . . . patrick@withfrank.org viewed the document Visitors-Geo at 12:53:33 p.m. [ET]?
- \* \* \*
- A. Yes, that's correct, viewed this document. That was the action by that user, patrick@withfrank.org.

The screenshot displays document metadata with several fields highlighted in yellow. A callout box points to the 'user\_info' field, which contains:

```
{
  "gaia_id": 93937762582,
  "user": {
    "gaia_id": 93937762582,
    "email_address": "patrick@withfrank.org"
  }
}
```

Another callout box points to the 'time' field, which contains:

```
"time": "2021-08-01 16:53:33 UTC",
```

A separate box indicates the time in Eastern Time: **12:53 PM ET**.

A third callout box points to the 'title' field, which contains:

```
"title": "visitors-geo",
```

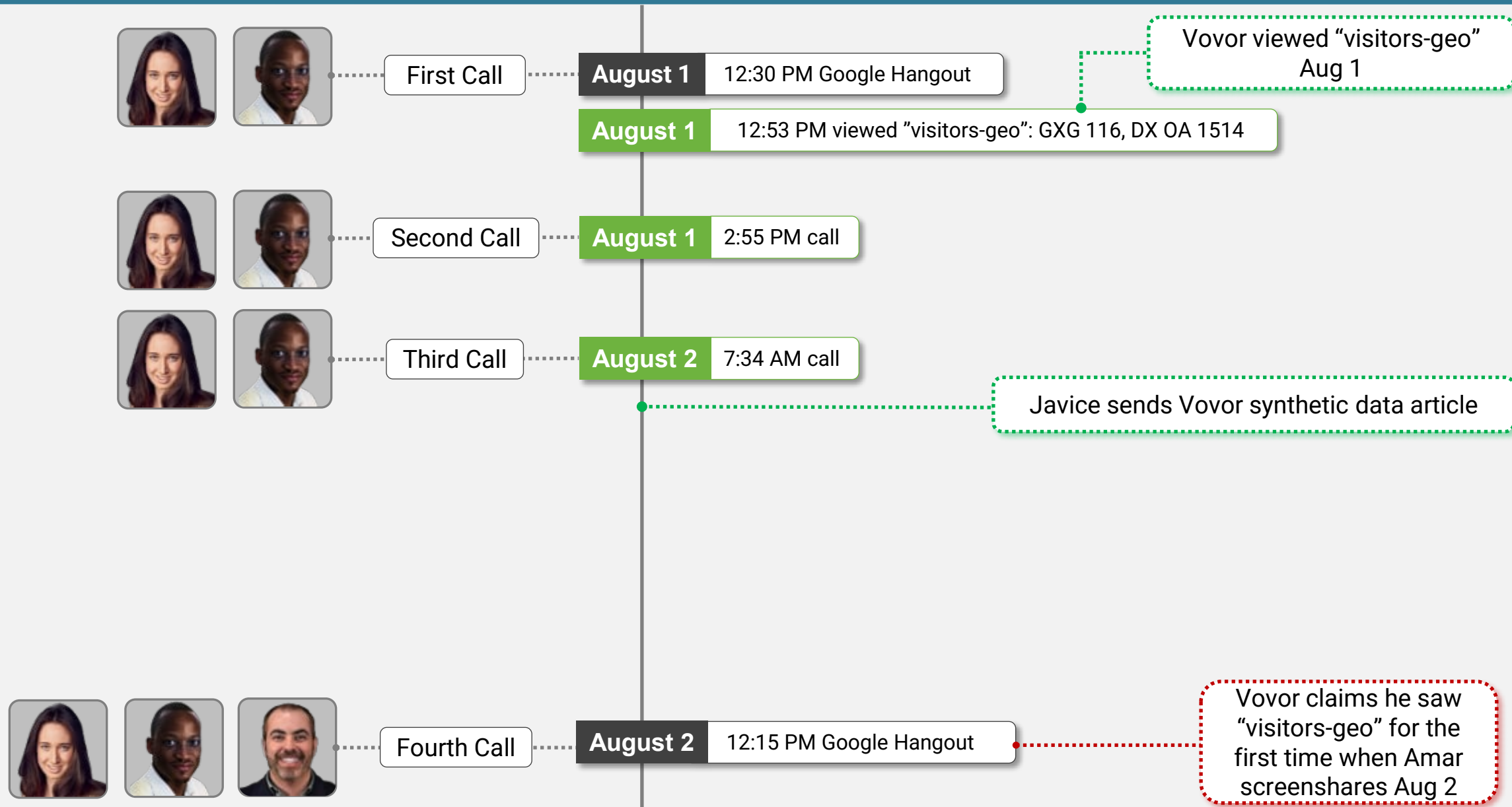
The 'actions' field shows a 'view' action with a target item:

```
"actions": [
  {
    "view": {}
  }
],
"target": {
  "item": {
    "file": {},
    "mime_type": "application/vnd.google-apps.rtf",
    "item_id": {
      "id": "1QopM4myEMxkr_ZNUfpkm5uqVN2JEwj2vdlh7Jaku2hE"
    },
    "title": "visitors-geo",
  }
}
```

DEFENDANT'S  
EXHIBIT  
OA 1514

S1 23 Cr 251 (AKH)

# The Truth



# No Conspiracy – August 1-2

## No One Viewed “visitors-geo” on Aug. 2

### VOVOR'S STORY

THE COURT: Do you remember seeing this document [GXG 116] at around the time that you received Ms. Javice's memorandum?

THE WITNESS: I recall seeing this document only on August 2nd.

THE COURT: So your testimony is you did not open this link on the 1st?

THE WITNESS: I don't recall opening it on the 1st.

### CROSS EXAMINATION



Patrick Vovor

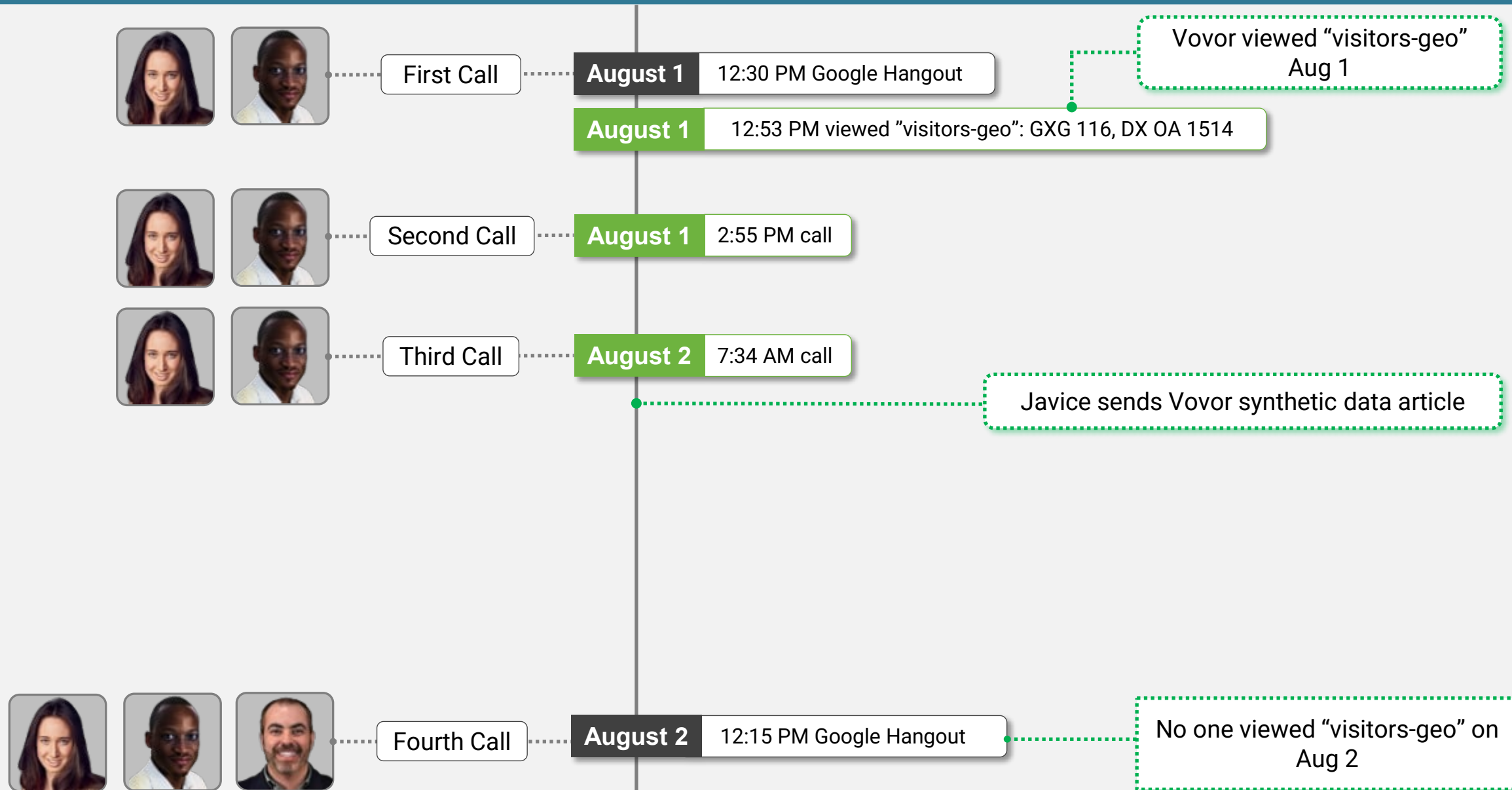
Director of  
Engineering

**F R A N K .**

### THE TRUTH

There is no metadata [DX OA 1514] to suggest the “visitors-geo” document [GXG 116] was opened by anyone on August 2.

# The Truth





## No Conspiracy: August 1-2

## Mr. Vovor Actually Viewed data\_request on Aug. 1 During the Call with Ms. Javice

`'time': "2021-08-01 16:56:02 UTC",`

12:56 PM ET

```

{
  "time": "2021-08-01 16:56:02 UTC",
  "actor": {
    "user": {
      "unknown_user": {
        "gaia_id": 93937762582
      }
    }
  },
  "actions": [
    {
      "view": {}
    }
  ],
  "target": {
    "item": {
      "file": {},

```

```

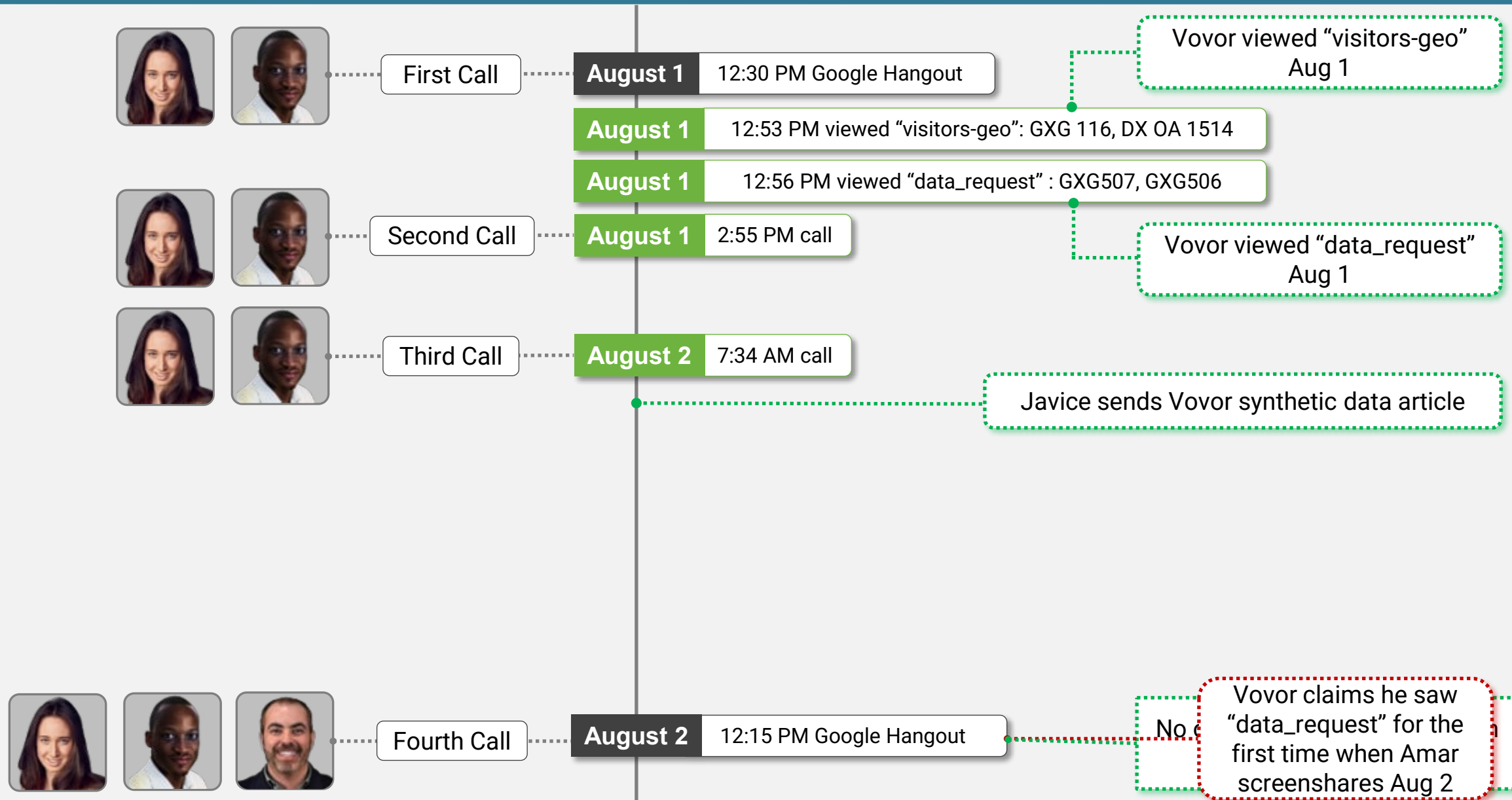
"user_info": [
  {
    "gaia_id": 93937762582,
    "user": {
      "gaia_id": 93937762582,
      "email_address": "patrick@withfrank.org"
    }
  }
]

```

`"title": "Data_Request",`

GOVERNMENT  
EXHIBIT  
G-507  
Si 23 Cr. 254 (AKH)

# The Truth



## No Conspiracy: August 1-2

### Ms. Javice Asked Mr. Vovor to Pull Data Before Aug. 2 Call

#### CROSS EXAMINATION



**Patrick Vovor**

Director of  
Engineering

**F R A N K .**

Q. Does this refresh your recollection that Ms. Javice, before the call, asked you to provide access to customer data so that she could do an analysis?

\* \* \*

A. Yes.

\* \* \*

Q. So that would be 11:45, before the call.

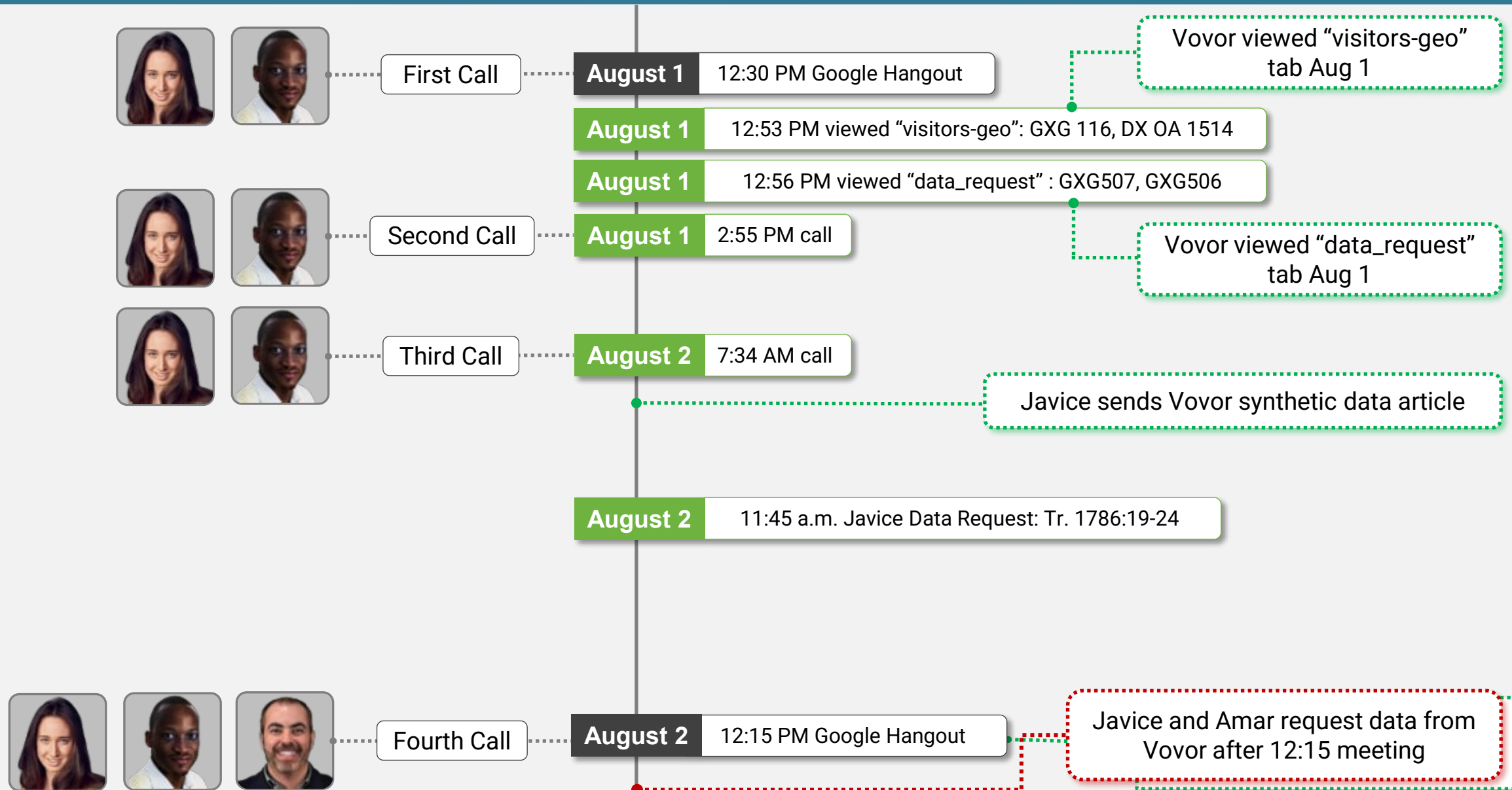
A. Okay.

Q. So does that refresh your recollection that in fact Ms. Javice had asked you to pull the data before the August 2nd call?

\* \* \*

A. Yes.

# The Truth



## No Conspiracy – August 1-2

### Mr. Vovor Messaged Ms. Wong About Feeling “Not Good” Before Aug. 2 Call

#### CROSS EXAMINATION



**Patrick Vovor**

Director of  
Engineering

**F R A N K .**

Q. After you had your first call with Ms. Javice on August 1 at 12:30, fair to say you were already feeling uncomfortable with the request that she made of you?

A. Correct.

Q. And, in fact, you reached out to Ms. Wong on WhatsApp the following morning on August 2, did you not?

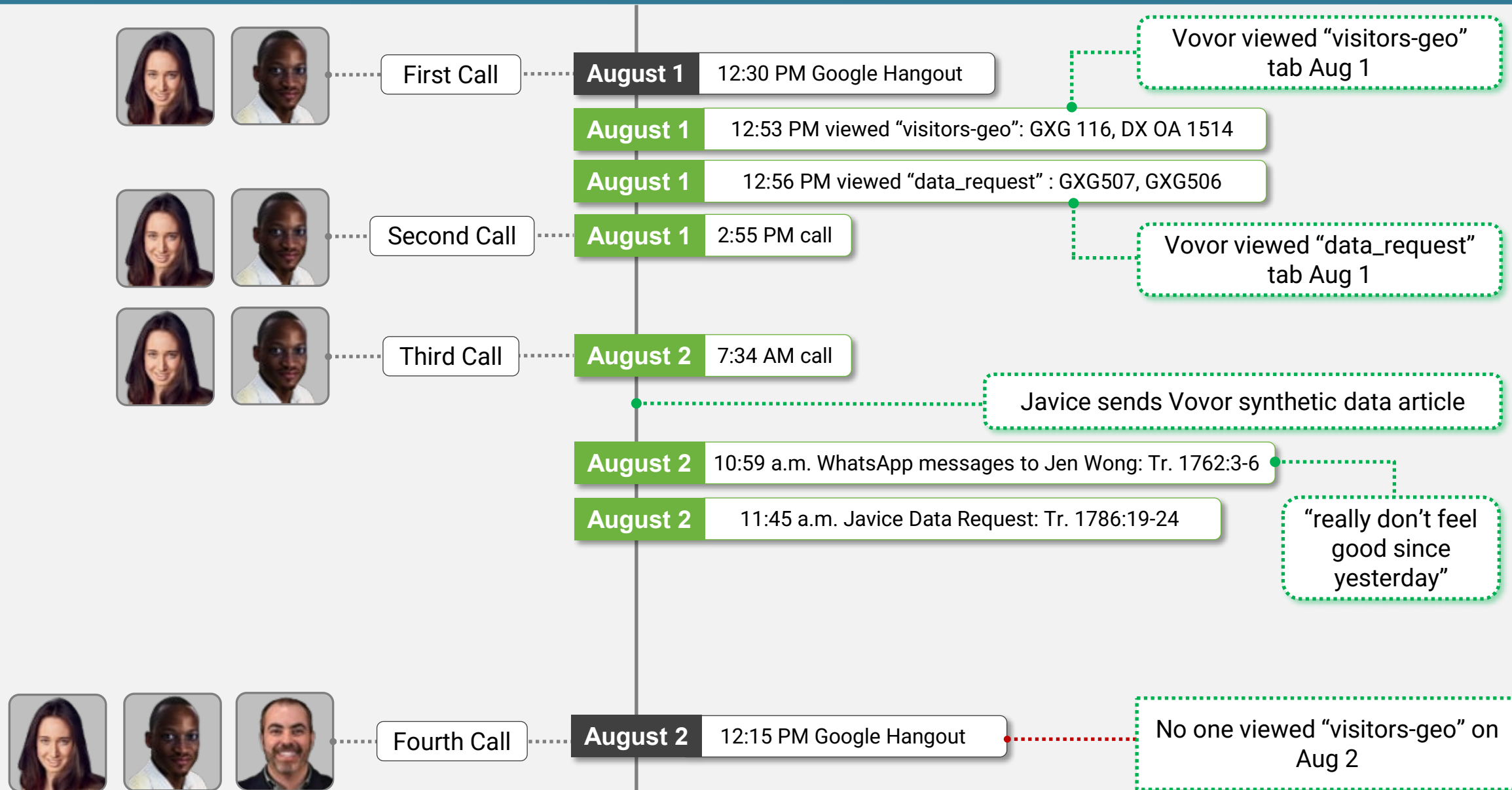
A. Correct.

\* \* \*

Q. Do you recall, sir, that what you told Ms. Wong before you switched over to Signal was that you really don't feel good since yesterday?

A. Yes.

# The Truth



# The Truth



First Call

**August 1**

12:30 PM Google Hangout

Vovor viewed "visitors-geo" tab Aug 1

**August 1**

12:53 PM viewed "visitors-geo": GXG 116, DX OA 1514

**August 1**

12:56 PM viewed "data\_request": GXG507, GXG506

Vovor viewed "data\_request" tab Aug 1

**August 1**

2:55 PM call



Second Call



Third Call

**August 2**

7:34 AM call

Javice sends Vovor synthetic data article

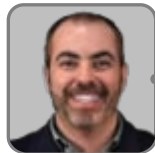
**August 2**

10:59 a.m. WhatsApp messages to Jen Wong: Tr. 1762:3-6

**August 2**

11:45 a.m. Javice Data Request: Tr. 1786:19-24

"really don't feel good since yesterday"



Fourth Call

**August 2**

12:15 PM Google Hangout

No one viewed "visitors-geo" on Aug 2

## No Conspiracy: August 1-2

### Mr. Vovor Repeatedly Said Only He and Ms. Javice Were on the Aug. 1 Call



Patrick Vovor  
Director of  
Engineering

**FRANK.**

Mr. Vovor testified **7 times** that only he and Ms. Javice were on the August 1 12:30 PM ET call.



# No Conspiracy: August 1-2

## The Government May Now Pivot That Mr. Amar Was On The Aug 1 Call with Ms. Javice

From: charlie@withfrank.org [charlie@withfrank.org]  
Sent: 8/1/2021 3:49:49 PM  
To: patrick@withfrank.org; olivier@withfrank.org

Subject: Invitation: Data Question @ Sun Aug 1, 2021 12:30pm - 1:30pm (EDT) (patrick@withfrank.org)  
Attachments: invite.ics  
Location: ?

Start: 8/1/2021 4:30:00 PM  
End: 8/1/2021 5:30:00 PM  
Show Time As: Busy

Recurrence: (none)

Do not edit this section of the description.

This event has a video call.  
Join: <https://meet.google.com/tan-jxod-fne>  
(US) +1 832-736-0091 PIN: 615979534#  
View more phone numbers: <https://tel.meet/tan-jxod-fne>

View your event at  
[https://calendar.google.com/calendar/event?act=83axRoZnJhresub3jN&tok=MJEjY2hhcmxpZUB3axRoZnJhresub3jN&tz=America%2FNew\\_York&hl=en&es=1](https://calendar.google.com/calendar/event?act=83axRoZnJhresub3jN&tok=MJEjY2hhcmxpZUB3axRoZnJhresub3jN&tz=America%2FNew_York&hl=en&es=1)

**From:** charlie@withfrank.org [charlie@withfrank.org]  
**Sent:** 8/1/2021 3:49:49 PM  
**To:** patrick@withfrank.org; olivier@withfrank.org

**Subject:** Invitation: Data Question @ Sun Aug 1, 2021 12:30pm - 1:30pm (EDT) (patrick@withfrank.org)  
**Attachments:** invite.ics  
**Location:** ?

GOVERNMENT  
EXHIBIT  
1762  
51 23 Cr 251 (AKH)

FOIA Confidential Treatment Requested by JPMorgan Chase Bank, N.A.  
CONFIDENTIAL

JPMC\_00643427  
USAO Rel 000748258

GOVERNMENT  
EXHIBIT  
1762  
51 23 Cr 251 (AKH)

# The Truth



First Call

**August 1**

12:30 PM Google Hangout

Vovor viewed "visitors-geo" tab Aug 1

**August 1**

12:53 PM viewed "visitors-geo": GXG 116, DX OA 1514

**August 1**

12:56 PM viewed "data\_request" : GXG507, GXG506

Vovor viewed "data\_request" tab Aug 1

**August 1**

2:55 PM call

Second Call



Third Call

**August 2**

7:34 AM call

Javice sends Vovor synthetic data article

**August 2**

10:59 a.m. WhatsApp messages to Jen Wong: Tr. 1762:3-6

**August 2**

11:45 a.m. Javice Data Request: Tr. 1786:19-24

"really don't feel good since yesterday"



Fourth Call

**August 2**

12:15 PM Google Hangout


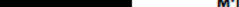


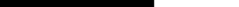
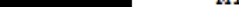
No one viewed "visitors-geo" on Aug 2

Case 1:23-cr-00517-AKH Document 383-7 Filed 04/28/25 Page 19 of 61

# No Conspiracy: August 1-2

## The Government's "Proof" of a Conspiracy

[illegible]

4579	08/01/21	10:12 AM ET	0:03	20:38		5052		9314			MT	[Wi-Fi:NIOP]
4585	08/01/21	10:59 AM ET	0:05	1:45		9314		5052			MO	[VCORR]

Case No.	Date	Time	Location	Officer	Vehicle	Plate	Make/Model	Color	Year	Notes
4512	02/24/22	19:00:00	0-01	0-07	0-10	0-11	0-12	0-13	0-14	0-15
4513	02/24/22	19:00:00	0-01	0-08	0-11	0-12	0-13	0-14	0-15	0-16
4514	02/24/22	19:00:00	0-01	0-09	0-11	0-12	0-13	0-14	0-15	0-16
4515	02/24/22	19:00:00	0-01	0-10	0-11	0-12	0-13	0-14	0-15	0-16
4516	02/24/22	19:00:00	0-01	0-11	0-11	0-12	0-13	0-14	0-15	0-16
4517	02/24/22	19:00:00	0-01	0-12	0-11	0-12	0-13	0-14	0-15	0-16
4518	02/24/22	19:00:00	0-01	0-13	0-11	0-12	0-13	0-14	0-15	0-16
4519	02/24/22	19:00:00	0-01	0-14	0-11	0-12	0-13	0-14	0-15	0-16
4520	02/24/22	19:00:00	0-01	0-15	0-11	0-12	0-13	0-14	0-15	0-16

**සිසුවා විකල්පයකින් යොදාගන්න**

Case 1:23-cr-00251-AKH Document 383-7 Filed 04/28/25 Page 20 of 61

# No Conspiracy: August 2 Google Hangout Mr. Vovor Is Biased Against Mr. Amar

## CROSS EXAMINATION



**Patrick Vovor**

Director of  
Engineering

**FRANK.**

Q. And after the acquisition you also did not have good interactions with him, correct?

A. At times, yes.

Q. In fact, after Frank was acquired by JPMorgan, Mr. Amar became your boss, right?

A. Correct.

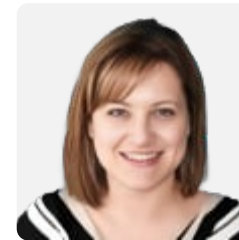
Q. You were not happy with that.

A. Correct.

Q. And your interactions with him continued to be what you would characterize as not great, true?

A. At times, yes.

## CROSS EXAMINATION



**Jenny Zeitler**

Marketing  
Automation  
Manager

Q. Did you have occasion, at the time you were at Frank, to observe—to interact with Mr. Vovor?

A. Yes.

Q. And with Mr. Amar and Mr. Vovor together at times?

A. Yes.

Q. The two of them, they butted heads, didn't they?

A. Yes.

# No Conspiracy: August 2 Google Hangout

## Mr. Amar Was Not Involved in Synthetic Data Request

### DIRECT EXAMINATION



**Patrick Vovor**

Director of  
Engineering

**F R A N K .**

### PATRICK VOVOR DIRECT

- Q. What did Mr. Amar ask you to generate?
- A. So a big list of 4 million users which would have the same FAFSA properties in terms of statistical properties as the real data set that we had in the—our FAFSA database.

March 6, 2025, Trial Tr. 1530:14-17

### THE TRUTH

Ms. Javice had three one-on-one calls with Mr. Vovor on Aug. 1-2. In connection with these calls, Ms. Javice asked Mr. Vovor to “create data”, and she provided documents to Mr. Vovor that describe various data fields requested by JPMC and an article about the use of synthetic data.

March 6, 2025, Trial Tr. 1528:23-25

# No Conspiracy: August 2 Google Hangout

## Mr. Amar Was Not Involved in Synthetic Data Request



Patrick Vovor

Director of  
Engineering

**F R A N K .**

PATRICK VOVOR CROSS

Q. Okay. Now at no point on the call on August 2nd did Mr. Amar use the words “synthetic data”, did he?

A. I don’t recall.

PATRICK VOVOR DIRECT

Q. What did you hear?

A. He mentioned a list to get real data for PII information—Social Security number, email, phone number—and he mentioned the name of that source being A and two other letters. I know it was three letters acronym starting with A [...]

Case 1:23-cr-00251-AKH Document 383-7 Filed 04/28/25 Page 23 of 61

# No Conspiracy: August 2 Google Hangout

## Mr. Vovor's Story

### DIRECT EXAMINATION



Patrick Vovor

Director of  
Engineering

**F R A N K .**

### PATRICK VOVOR DIRECT

COURT: What else did [Mr. Amar] say, if anything?

- A. So he presented—he started the call by saying, okay, this is **my** problem, Chase is asking **me** this, FAFSA data for these 4 million users that I have on my report.

March 6, 2025, Trial Tr. 1531:10-13

### THE TRUTH

The documents and testimony from JPMC witnesses show Mr. Amar had been cut out of the JPMC due diligence process for weeks, since the collapse of the Capital One deal on July 14, 2021.



Case 1:23-cr-00251-AKH Document 383-7 Filed 04/28/25 Page 24 of 61

# No Conspiracy: August 2 Google Hangout

## Mr. Vovor's Story



**Patrick Vovor**

Director of  
Engineering

**F R A N K .**

### PATRICK VOVOR DIRECT

COURT: What did he say?

WITNESS: [...] I asked him why it is Matt Glazer, so Frank legal and HR at the time, was not in the meeting [...] And Mr. Amar responded that Matt was not – it was not his expertise so that's why he was not there.

**March 6, 2025, Trial Tr. 1564:14-21**

### PATRICK VOVOR CROSS

COURT: And what did they say?

WITNESS: [...] Mr. Amar said, this is not [Mr. Glazer's] expertise, but you can talk to him.

**March 11, 2025, Trial Tr. 1789:24-1790:1**

### PATRICK VOVOR CROSS

THE COURT: At some later point did you speak with Mr. Glazer about your concerns?

THE WITNESS: No.

**March 11, 2025, Trial Tr. 1790:24-1791:1**



# No Conspiracy: August 2 Google Hangout Mr. Vovor Was Planning to Record the August 2 Call

## CROSS EXAMINATION



**Patrick Vovor**

Director of  
Engineering

**FRANK.**

## PATRICK VOVOR CROSS

Q. Now it's true, is it not, that as a result of your conversations before the August 2nd call, you were planning to record that call?

\* \* \*

A. Yes.

\* \* \*

Q. You were concerned that what you were being asked to do even before the call was illegal, right? You told me that.

\* \* \*

A. Yes.

# No Conspiracy: August 2 Google Hangout

## Mr. Vovor's Excuse for Not Recording the Call Lacks Credibility

### CROSS EXAMINATION



**Patrick Vovor**

Director of  
Engineering

**F R A N K .**

### PATRICK VOVOR CROSS

Q. But you didn't record the call.

A. Correct.

Q. Why not?

A. Mismatch.

\* \* \*

Q. Your phone was not with you.

A. No.

Q. Where was it?

A. Somewhere in the house of my parents.

\* \* \*

Q. Did you say to the folks, Mr. Amar and Ms. Javice, can you give me two seconds, I want to take a bathroom break, I want to get a drink of water, and get your phone?

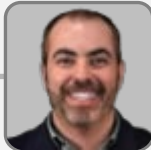
\* \* \*

A. No.

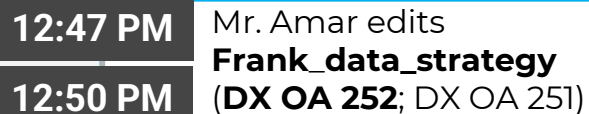
## No Conspiracy: Mr. Amar's August 1



**9:51 AM** Ms. Javice sends WhatsApp messages to Mr. Amar “Need to talk about **data pull** and **strategy**...Ur gonna need to block off ur day” (GX 801-2)



**10:12 AM** Ms. Javice and Mr. Amar Call  
(20 minutes)



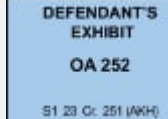
## Data Pull

[illegible]

## Data Strategy

**Figure 1: Data Strategy**

- [illegible]



No Conspiracy: “Records Needed” Spreadsheet

## No Conspiracy: Records Needed

### GOVERNMENT'S OPENING STATEMENT

**“And you will see that Amar got straight to work, he created a document called “records needed” that he shared with Javice. It listed all the data files that JPMorgan needed to confirm 4 million users . . .”**

# No Conspiracy: Records Needed

## Mr. Amar Did Not Create “Records Needed”

	Funnel Steps	Percent Complete Field	Number of Fields
Personal Info - First Name, Last Name, Email, Phone	100%	100.00%	4,265,085.00
Degree - Major, Year in School, Degree Level	93%	93.00%	3,966,529.05
School List - address, birthday, college list	97%	90.21%	3,847,533.18
Student Education - city of high school	92%	82.99%	3,539,730.52
Kill List A - military status, is married, number of kids	98%	81.33%	3,468,935.91
<i>Parent Education</i>	99%	80.52%	3,434,246.56
Independent Financial - cash assets, adjusted gross income	100%	80.52%	3,434,246.56
Independent Kill List B - student completed tax returns, investments, pers	72%	57.97%	2,472,657.52
SSN & Gender - Is US citizen	99%	57.39%	2,447,930.94
<b>Complete</b>			<b>2,100,184</b>

# No Conspiracy: Records Needed

## Mr. Amar Created a Spreadsheet Titled “Funnel Since Aug 1, 2020”

### CROSS EXAMINATION



**Cory Gaddis**  
Records Custodian



Q. On August 3 at 14:27:37 UTC, the metadata here shows . . . .  
Olivier@withFrank.org took an action to create this document; correct?

A. Yes.

Q. And at that time it was called Untitled\_Spreadsheet; correct?

A. Yes.

\* \* \*

Q. August 3, 2021 at 14:27:37 UTC? [. . .] Same time as before?

A. Yes.

Q. So the GAIA ID ending in 132 took an action to rename the document  
Funnel Since Aug 1 2020; correct?

A. Yes.

Q. To be clear, the account ending in 132, that is the one associated with  
Olivier@withFrank.org; correct?

A. Yes.



# No Conspiracy: Records Needed

## No Proof What “Funnel Since Aug 1, 2020” Looked Like When Mr. Amar Created It

### CROSS EXAMINATION



**Cory Gaddis**  
Records Custodian



Q. And Mr. Gaddis, you have no way of knowing from the metadata here what Funnel Since August 1, 2020 looked like, do you?

A. No.

Q. So you don't know what content was in that document?

A. No.

Q. You don't where that content was sourced from?

A. No.



	Funnel Steps	Percent Complete	Fields	Number of Fields
Personal Info - First Name, Last Name, Email, Phone	100%	100.00%		4,265,085.00
Degree - Major, Year in School, Degree Level	93%	93.00%		3,966,529.05
School List - address, birthday, college list	97%	90.21%		3,847,533.18
Student Education - city of high school	92%	82.99%		3,559,731.52
Kill List A - military status, is married, number of kids	98%	81.33%		3,468,355.91
Parent Education	99%	80.52%		3,434,246.55
Independent Financial - cash assets, adjusted gross income	100%	80.52%		3,434,246.55
Independent Kill List B - student completed tax returns, investments, p	72%	57.97%		2,472,657.52
SSN & Gender - Is US citizen	99%	57.39%		2,447,930.94
Complete				2,100,184

**GOVERNMENT  
EXHIBIT  
G-72**  
51 23 Cr. 251 (AKH)

**GOVERNMENT  
EXHIBIT  
G-73**  
51 23 Cr. 251 (AKH)



## No Conspiracy: Records Needed

### Ms. Javice Renamed “Funnel Since Aug 1, 2020” to “Records Needed”

#### CROSS EXAMINATION



**Cory Gaddis**  
Records Custodian



Q. And if the earlier rename we looked at was 14:27 UTC, is this around 30 minutes later?

A. Yes.

\* \* \*

Q. And there's a Gaia ID. Looking at the chart, [...] what's the email address for that Gaia ID?

A. Charlie@withfrank.org.

Q. All right. And underneath Actions, what does it say under Actions?

A. It says Edit and Rename Previous Title.

Q. And what's the previous title?

A. Funnel Since August 1, 2020.

\* \* \*

Q. Mr. Gaddis, what's the new title?

A. Records Needed.

## No Conspiracy: Records Needed Mr. Amar Never Edited or Viewed “Records Needed”

### CROSS EXAMINATION



Cory Gaddis  
Records Custodian



THE COURT: Is there another change in this document that Mr. Amar is responsible for after the name: Funnel?

THE WITNESS: Not that I could see on there, your honor.

**No Conspiracy: January 14 Recording**

## No Conspiracy: January 14 Recording

### Ms. Javice (Again) Directs Both Mr. Vovor and Mr. Amar

**Mr. Amar to Ms. Javice:**

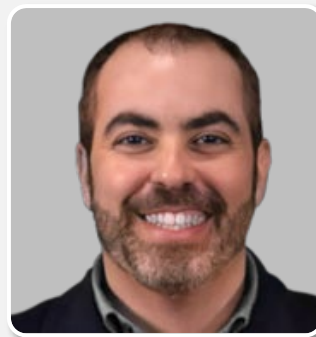
“When did you. I didn’t see an email for a team request”

\* \* \*

“I don’t remember this email”

\* \* \*

“Do me a favor – do an email for the S3 for exactly what you want with the breakdown of the years to Patrick and myself and we’ll get it out.”



# No Conspiracy: January 14 Recording

## The Recording Proves Mr. Amar Was in the Dark

AMAR: C'est ça c'est là. Il y avait – elle avait dans le S3 bucket, tu te rappelles, la liste qu'elle a fait augmenter? Augmented [laughs], qu'elle a enrichi. C'est ça l'augmenter. Elle va l'augmenter un chiffre, il faut augmenter le nombre de personnes qu'elle a demandé là-bas, that's it.

[00:04:00] Ok mais quand tu vas l'augmenter, fais-nous une faveur. Si je me rappelle bien, les utilisateurs, là-bas dans cette liste, ils résident avec une moitié de leur adresse ou quelques choses qu'ils nous ont donné avec la liste. Y'avait des gens. [Rires]. [00:04:30] Je veux partir avec les utilisateurs qui sont le plus fiers. Il y a une personne là-bas, une adresse, qui définit les utilisateurs, ils étaient des gens. Il faut... Ça va être enrichi. C'est ça l'augmenter par date, mais c'est ça l'enrichir qu'importe, whatever. Ok, la personne ce que je veux dire.

AMAR: C'est ça c'est là. There was a – she wanted to see if she had augmented? Augmented, [laughs], that she enriched.

[...]

VOVOR: Uh ok, la liste enrichie, je l'ai pas, je ne l'ai jamais qu'elle est.

VOVOR: Uh ok, the enriched list, I don't have it, I have never had it.

[00:07:00]

AMAR: Elle est dans le S3 bucket, c'est toi qui l'a mis là-bas.

AMAR: It is in the S3 bucket, you're the one who put it there.

GX300-T  
Transcript by TransPerfect

VOVOR: Non, non, non, moi j'ai jamais rien enrichi. Non, moi j'ai donné nos utilisateurs, ensuite Charlie elle l'a pris, et elle a fait ce qu'elle voulait avec.

VOVOR: No, no, no, I have never enriched anything. No, I gave our users, then Charlie, she took it, and she did what she wanted with it, with the data scientist.

AMAR: Ok so the FAUSA list.

VOVOR: Ok.

[00:07:30]

*AMAR: Augmented, [laughs], that she enriched[.]*

*VOVOR: Uh ok, the enriched list, I don't have it, I have never had it. So I it is.*

*AMAR: It is in the S3 bucket, you're the one who put it there, aren't you?*

[Minute 7:00]

*VOVOR: No, no, no, I have never enriched anything. No, I gave our users, then Charlie, she took it, and she did what she wanted with it, with the data scientist*

GOVERNMENT  
EXHIBIT  
300-T  
S1 23 Cr. 251 (AKH)

# No Conspiracy: January 14 Recording

## The Recording Proves Mr. Amar Was in the Dark

WhatsApp



Olivier Amar, Jan. 14 2022 3:15 PM UTC (10:15 AM ET)

Patrick says he never touched the ASL list

Charlie Javice, Jan. 14 2022 3:15 PM UTC (10:15 AM ET)

i know\



Olivier Amar, Jan. 14 2022 3:15 PM UTC (10:15 AM ET)

Adam will have to do the ASL list

GOVERNMENT  
EXHIBIT  
801-46  
SJ 23 Cr. 251 (AKH)

# No Conspiracy: January 14 Recording

## “Marketable Users” Are Just Website Visitors with Cookies

### DIRECT EXAMINATION



Jenny Zeitler  
Marketing Automation  
Manager  
**FRANK.**

JENNY ZEITLER CROSS

Q. Someone who is able to be tracked across websites, in the context of retargeting, would be a **marketable user**; is that right?

A. Yes.

March 20, 2025 Trial Tr. 3111:8-11



# No Conspiracy: January 14 Recording

## Only Ms. Javice Edits and Sends User Breakdown Sheet

### DIRECT EXAMINATION



Peter Manning



Q. Did the GAIA associated with Olivier@withfrank.org ever edit this document?

A. No.

**From:** Charlie Javice [charlie@withfrank.org]  
**on behalf of** Charlie Javice <charlie@withfrank.org> [charlie@withfrank.org]  
**Sent:** 1/18/2022 7:14:16 PM  
**To:** Divilek, Sonali [sonali.divilek@chase.com]; Seideman, Neil [neil.seideman@chase.com]; Macdonald, Ryan S [ryan.s.macdonald@jpmorgan.com]; Amar, Olivier [olivier.amar@chase.com]  
**Subject:** User Breakdown  
**Attachments:** User\_Breakdown\_2021\_Update (1).xlsx

Sharing the spreadsheet with user counts with the feedback from Neil and Sonali that is incorporated from earlier today. Feel free to share the breakdown with your team. Olivier has already shared the net number last week with Kelly and Mark.

From the spreadsheet attached, you can see the following:

**5.6MM users** -- our total churned users (graduated students) **3.88MM** -- Partner Co-Brand sites **0.73MM = 0.99 net marketable users**

Our team has now cleaned the customer files and just merging them so that it's easy and ready for direct mail and email campaigns you want to test. Thanks for your patience.

Charlie

--  
**Charlie Javice**  
Frank I Founder & CEO  
[withfrank.org](mailto:withfrank.org) | 914.575.9314  
Student COVID-19 resource





**No Conspiracy: February Data Transfer**

## No Conspiracy: Data Transfer

### No Evidence Mr. Amar Reviewed or Uploaded the February Transfer Files

#### CROSS EXAMINATION



Manole  
Pelarinos

Managing Director,  
Head of Digital  
Channels



Q. Did you check the access logs with respect to Amazon Web Services to see who had access to it in 2022?

A. I did not.

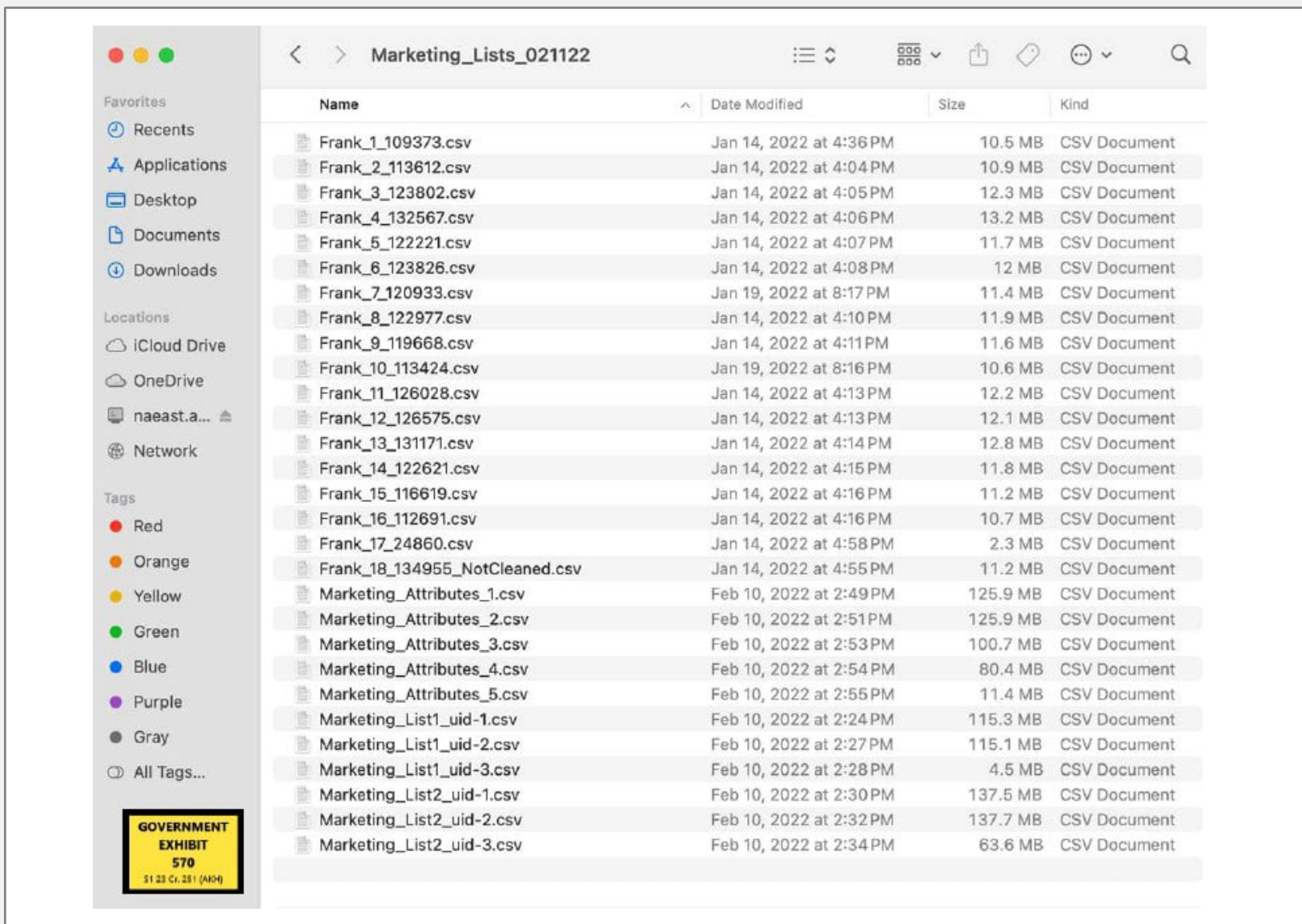
Q. **So you have no basis to know whether Mr. Amar had access to Amazon Web Services in 2022?**

\* \* \*

A. **Correct.**

# No Conspiracy: Data Transfer

## No Indication of What Any of the Files Contained



# Conscious Avoidance

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# Mr. Amar Did Not Consciously Avoid Misrepresentations: The Government's Story on June 23

## DIRECT EXAMINATION



**Mason Young**  
Senior Vice President



Q. Mr. Young, who from Frank do you recall attending this June 23 meeting?

A. Ms. Javice, Mr. Glazer, and Mr. Amar.

\* \* \*

Q. Mr. Young, do you see there is a question there: How do you define user?

A. Yes.

\* \* \*

Q. Did anyone answer this question during the June 23 meeting?

A. They did.

Q. Who do you recall answering that question?

A. Ms. Javice.

# Mr. Amar Did Not Consciously Avoid Misrepresentations: Matt Glazer Also Missed Ms. Javice's Alleged Misrepresentations

From: Kankovskis, Luke ([Kankovskis@kornet.com])  
On behalf of: Kankovskis, Luke ([Kankovskis@kornet.com])  
Sent: 4/28/2021 12:48:58 AM  
To: Charlie Javice ([charlie@withtrack.org])  
CC: Cowan, Houston ([Houston@kornet.com]; Agarwal, Nikhil ([nagarwal@kornet.com]); Matt Glazer ([matt@withtrack.org]; Michael, Alex ([AMichael@kornet.com])  
Subject: RE: Mission comments  
Attachments: 3.1.1 2021 Users to Date.xlsx; 3.1.4 User\_Breakdown.xlsx

Got it, see last filing - how do I reconcile the two?  
For example, Jan 2021 has 89,500 users in 3.1.1  
Thanks  
Luke Kankovskis  
LawFirm LLC  
212.444.5127 Office | 316.712.7111 Cell

Re: Charlie Javice ([charlie@withtrack.org])  
Sent: Wednesday, June 23, 2021 1:01 AM  
To: Kankovskis, Luke ([Kankovskis@kornet.com])  
Cc: Cowan, Houston ([Houston@kornet.com]; Agarwal, Nikhil ([nagarwal@kornet.com]; Matt Glazer ([matt@withtrack.org]; Michael, Alex ([AMichael@kornet.com])  
Subject: Re: Mission comments

They should note this is not blended CAC for the 3.1.1 - it is purely for paid spend FAPA. The blended CAC is what you guys gave them in a graph.

Charlie

On Tue, Jun 23, 2021 at 9:58 PM Charlie Javice ([charlie@withtrack.org]) wrote:

3.1.1 - is FAPA only (yes the \$4M we did not count as 3.1.1)  
3.1.2 - is FAPA only  
3.1.4 - is testing new products & defined brand (not geared towards lowering CAC, the spend is defined there)

Why are they so different? All 3 have different numbers 3.1.1 says 89,500 users 3.1.2 says 90,000 and 3.1.4 says 100,000

Luke Kankovskis  
LawFirm LLC  
212.444.5127 Office | 316.712.7111 Cell

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JPMc\_00848207  
USAD Ref: 00000865

GOVERNMENT  
EXHIBIT  
3027  
S1 23 Cr. 251

From: Agarwal, Nikhil ([nagarwal@kornet.com]; Cowan, Houston ([Houston@kornet.com])  
To: Agarwal, Nikhil ([nagarwal@kornet.com]; Matt Glazer ([matt@withtrack.org]; Michael, Alex ([AMichael@kornet.com])  
Subject: RE: Mission comments  
Attachments: 3.1.1 2021 Users to Date.xlsx; 3.1.4 User\_Breakdown.xlsx

Just when he asks which one of the attached 3 files should be the leading or the paid users in 2021, what is the answer and why are they so different? All 3 have different numbers 3.1.1 says 89,500 users 3.1.2 says 90,000 and 3.1.4 says 100,000

Agarwal, Nikhil ([nagarwal@kornet.com]; Cowan, Houston ([Houston@kornet.com])  
Subject: Re: Mission comments

Users as defined are accounts, for the spend wasn't really adding accounts as it's not signups... but happy to attribute classifiers if needed

Charlie Javice  
916.375.0856

From: Kankovskis, Luke ([Kankovskis@kornet.com])  
Sent: Tuesday, June 29, 2021 8:47:10 PM  
To: Charlie Javice ([charlie@withtrack.org]; Cowan, Houston ([Houston@kornet.com])  
Cc: Agarwal, Nikhil ([nagarwal@kornet.com]; Matt Glazer ([matt@withtrack.org]; Michael, Alex ([AMichael@kornet.com])  
Subject: RE: Mission comments

His question goes on 3.1.4 is it column E, we have over 150k paid users so that is more than just some Classifier test spend right? There are only 20k users for Classifier in 3.1.4

Luke Kankovskis  
LawFirm LLC  
212.444.5127 Office | 316.712.7111 Cell

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CONFIDENTIAL

GOVERNMENT  
EXHIBIT  
3026  
S1 23 Cr. 251

JPMc\_00848207  
USAD Ref: 00000867

From: Charlie Javice ([charlie@withtrack.org])  
On behalf of: Charlie Javice ([charlie@withtrack.org])  
Sent: 6/29/2021 1:16:39 AM  
To: Kankovskis, Luke ([Kankovskis@kornet.com])  
CC: Agarwal, Nikhil ([nagarwal@kornet.com]; Cowan, Houston ([Houston@kornet.com]; Matt Glazer ([matt@withtrack.org]; Michael, Alex ([AMichael@kornet.com])  
Subject: RE: Mission comments  
Attachments: Retention Definitions\_CJ\_V2.docx

Charlie Javice ([charlie@withtrack.org])

For now we can leave out the bottom half of the doc to upload this and then see what we can pull on scholarships CTR as the others are covered in YDR already.

On Mon, Jun 28, 2021 at 7:02 PM Kankovskis, Luke ([L.Kankovskis@kornet.com]) wrote:

Thank you for sending Charlie. Based on our review as well as some feedback we just received from Capital One, we have added a couple comments / clarifying questions into the word doc you sent. We should try to incorporate as much of this as

Luke Kankovskis  
LawFirm LLC

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GOVERNMENT  
EXHIBIT  
3023  
S1 23 Cr. 251

JPMc\_00848213  
USAD Ref: 00000861

GOVERNMENT  
EXHIBIT  
3027  
S1 23 Cr. 251

GOVERNMENT  
EXHIBIT  
3023  
S1 23 Cr. 251

GOVERNMENT  
EXHIBIT  
3026  
S1 23 Cr. 251

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# Mr. Amar Did Not Consciously Avoid Misrepresentations: The Truth

## CROSS EXAMINATION



**Mason Young**  
Senior Vice President



Q. Now, am I right that the definition of a user was provided as well on the **June 23 meeting** that we are talking about now?

A. Yes.

\* \* \*

COURT: Do you remember, in this particular instance when you recall that Ms. Javice gave you a definition of user, that she turned to Mr. Amar for any kind of information?

WITNESS: I don't recall that.

COURT: Do you recall seeing Mr. Amar on the screen at the time you heard this definition of user?

WITNESS: We are talking about three and a half years ago. I'm --

COURT: I'm not criticizing, sir. I am just asking for your recollection.

WITNESS: **I don't recall seeing Mr. Amar's face at the time that Ms. Javice or Capital One was asking about the definition of a user.**

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# Mr. Amar Did Not Consciously Avoid Misrepresentations: The Government's Story on July 8

## DIRECT EXAMINATION



**Mason Young**  
Senior Vice President



Q. Mr. Young, do you recall a meeting that occurred around July 8 of 2021?

A. I do.

March 12, 2025 Trial Tr. 2145:19-21

Q. Who, from Frank, do you recall participating in this meeting?

A. Ms. Javice and Mr. Amar.

Q. How did this meeting take place?

A. Over Zoom.

Q. Who do you recall spoke at the meeting?

A. Primarily Ms. Javice, with Mr. Amar answering any questions that Ms. Javice deferred to him.

March 12, 2025 Trial Tr. 2146:4-11



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## Mr. Amar Did Not Consciously Avoid Misrepresentations: The Government's Story on July 8

### DIRECT EXAMINATION



Mason Young  
Senior Vice President



Q. Mr. Young, was the information on this slide [8] discussed during the July 8 meeting?

A. Yes.

Q. Who do you recall, best that you can remember, discussing the information on this slide?

A. Combination of Ms. Javice and Mr. Amar.

Q. Do you see at the top where it says: Breakdown of first six months of non-paid users?

A. Yes.

# Mr. Amar Did Not Consciously Avoid Misrepresentations: The Government's Story on July 8

Case 1:23-cr-00251-AKH Document 383-7 Filed 04/28/25 Page 50 of 61

**From:** Cowan, Houston [HCowan@lfontree.com]  
**on behalf of:** Cowan, Houston <HCowan@lfontree.com> [HCowan@lfontree.com]  
**Sent:** 7/8/2021 4:06:26 PM  
**To:** Charlie Javice [charlie@withfrank.org]; Olivier Amar [olivier@withfrank.org]; LT-ProjectFrontier@lfontree.com; RAHUL JINDAL [rahul.jindal@capitalone.com]; Amanda Christianson [amanda.christianson@capitalone.com]; Mason Young [mason.young@capitalone.com]; jessica.boccardo@capitalone.com; joseph.casola@capitalone.com  
**CC:** Koskovich, Luke [LKoskovich@lfontree.com]  
**Subject:** RE: Project Frontier Discussion with Capital One  
**Attachments:** Project Frontier Capital One Meeting Follow-Up (07.08.2021).pdf

**From:** Cowan, Houston [HCowan@lfontree.com]  
**on behalf of:** Cowan, Houston <HCowan@lfontree.com> [HCowan@lfontree.com]  
**Sent:** 7/8/2021 4:06:26 PM  
**To:** Charlie Javice [charlie@withfrank.org]; Olivier Amar [olivier@withfrank.org]; LT-ProjectFrontier@lfontree.com; RAHUL JINDAL [rahul.jindal@capitalone.com]; Amanda Christianson [amanda.christianson@capitalone.com]; Mason Young [mason.young@capitalone.com]; jessica.boccardo@capitalone.com; joseph.casola@capitalone.com  
**CC:** Koskovich, Luke [LKoskovich@lfontree.com]  
**Subject:** RE: Project Frontier  
**Attachments:** Project Frontier Capital One Meeting Follow-Up (07.08.2021).pdf

AL

Ahead of the discussion, find attached

Best,  
Houston

Houston Cowan  
 LionTree LLC  
 C: 262-758-1338

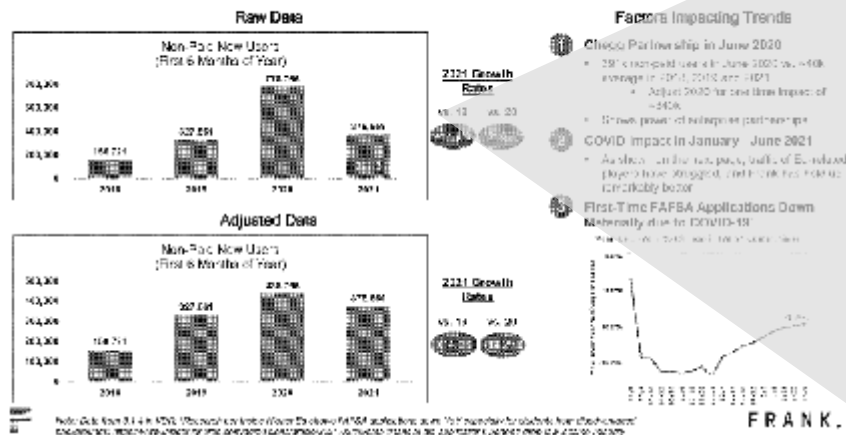
—Original Appointment—  
**From:** Cowan, Houston  
**Sent:** Thursday, July 8, 2021 11:55 AM  
**To:** Cowan, Houston; Charlie Javice; jessica.boccardo@capitalone.com; jk  
**CC:** Koskovich, Luke  
**Subject:** Project Frontier Discussion w  
**When:** Thursday, July 8, 2021 12:30 P  
**Where:** <https://lfontree.zoom.us/j/9608333>

Join Zoom Meeting  
<https://lfontree.zoom.us/j/9608333>

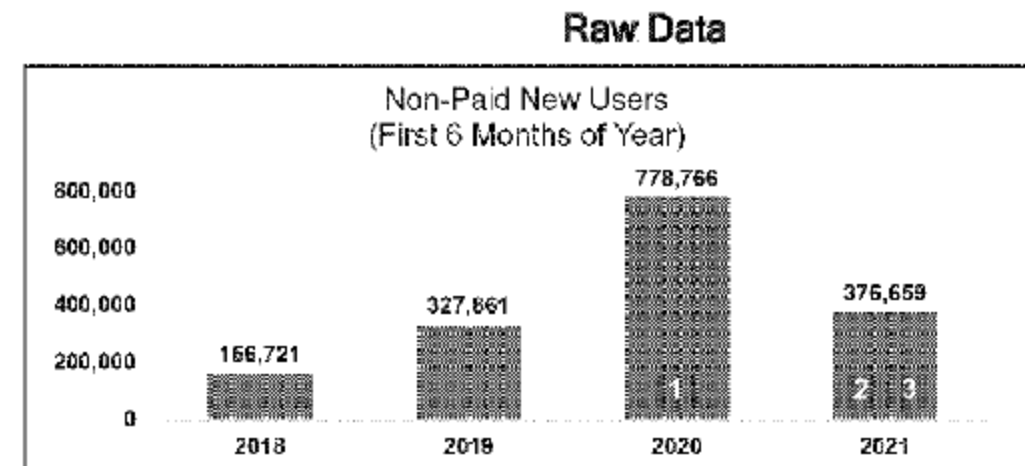
Meeting ID: 960 833 3328  
 Passcode: 889687  
 One tap mobile  
 +19325056895;960833328...#

FOIA Confidential Treatment Requested  
 CONFIDENTIAL

## Breakdown of First 6 Months Non-Paid User Trends



## Breakdown of First 6 Months Non-Paid User Trends



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# Mr. Amar Did Not Consciously Avoid Misrepresentations: The Truth

## CROSS EXAMINATION



**Mason Young**  
Senior Vice President



Q. Sir, isn't it a fact that you joined in the middle of the meeting, 21 minutes into it before you got on?

A. Sounds like you know more than I do.

Q. Well, forget what I know?

\* \* \*

Q. Okay. Do you recall that you were only on that call for a sum total of 12 minutes on that day?

A. I don't recall.

Q. Do you recall that you dropped off eight minutes before the call ended?

A. I don't recall.

\* \* \*

**Q. So as you sit here today, you don't even know if Mr. Amar attended that meeting, you just know he was invited to it, right?**

A. Correct.

## Mr. Amar Did Not Consciously Avoid Misrepresentations: The Government's Story on July 12

### REDIRECT EXAMINATION



Sindhu  
Subramaniam  
Vice President,  
Corporate  
Development and M&A



- Q. And when did Mr. Amar speak relative to the discussion about users [on July 12]?
- A. Just before.

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# Mr. Amar Did Not Consciously Avoid Misrepresentations: The Truth

## CROSS EXAMINATION



**Sindhu  
Subramaniam**  
Vice President,  
Corporate  
Development and M&A

- Q. Fair to say you don't remember anyone's camera being on at any point during the session?
- A. I do not know.
- Q. So, other than when Mr. Amar was actually talking about growth and partnerships and how they would grow the business, fair to say you don't know what he was actually doing?
- A. I wouldn't know.
- Q. You don't know if he was even in front of his computer screen listening to the discussion other than when what he was actually speaking during the meeting; true?
- A. I don't know.

## Mr. Amar Did Not Consciously Avoid Misrepresentations: Even When Pushed, Witnesses Couldn't Remember

### REDIRECT EXAMINATION



Ryan  
MacDonald  
Head of Growth for  
Financial Products



Q. Well does that refresh your recollection about what Mr. Amar said during the July 12, 2021 meeting?

[ . . . ]

A. Again, my recollection is that he was specifically discussing **elements of their marketing strategy**, yeah.

Q. Did [Mr. Amar] say anything about quantities?

A. I don't – **I still don't recall** Mr. Amar saying anything specific about quantities or users.

\* \* \*

Q. You can't say who was in this – in the room?

A. **I know that Ms. Javice was there. I don't recall if Mr. Amar spoke to this section or not.**

**Beware of the Rebuttal**

# Beware of the Rebuttal

## REDIRECT EXAMINATION



**Steve Stolls**

Executive Vice President of  
Sales and Marketing



- Q. If we can zoom in on Mr. Amar's e-mail on the top? Do you see where he says: I'd like the tots to be 4.5 million, so yes, please?
- A. Yes.
- Q. Other than 4.5 million, do you recall Mr. Amar requesting any other volume of student data?
- A. I don't. I don't recall.

From: Denise Lyn [MCEAEX-  
\_O=EXCHANGELABS\_OU=EXCHANGE+20ADMINISTRATIVE+20GROUP+20+28FYDIBOHF23SPDLT+29\_CN=RECIPIENTS\_CN=D85A29A6E37742A3AAAF2B7ACBC3898A-  
DLYN@namprd15.prod.outlook.com]  
Sent: Mon 8/2/2021 3:31:28 PM Coordinated Universal Time  
To: Steve Stolls [sstolls@aslmarketing.com]  
Sent on behalf of: Denise Lyn <MCEAEX-  
\_O=EXCHANGELABS\_OU=EXCHANGE+20ADMINISTRATIVE+20GROUP+20+28FYDIBOHF23SPDLT+29\_CN=RECIPIENTS\_CN=D85A29A6E37742A3AAAF2B7ACBC3898A-  
DLYN@namprd15.prod.outlook.com>  
Subject: Withfrank.org- College Market

From: Denise Lyn [MCEAEX-  
\_O=EXCHANGELABS\_OU=EXCHANGE+20ADMINISTRATIVE+20GROUP+20+28FYDIBOHF23SPDLT+29\_CN=RECIPIENTS\_CN=D85A29A6E37742A3AAAF2B7ACBC3898A-  
DLYN@namprd15.prod.outlook.com]  
Sent: Mon 8/2/2021 3:31:28 PM Coordinated Universal Time  
To: Steve Stolls [sstolls@aslmarketing.com]  
Sent on behalf of: Denise Lyn <MCEAEX-  
\_O=EXCHANGELABS\_OU=EXCHANGE+20ADMINISTRATIVE+20GROUP+20+28FYDIBOHF23SPDLT+29\_CN=RECIPIENTS\_CN=D85A29A6E37742A3AAAF2B7ACBC3898A-  
DLYN@namprd15.prod.outlook.com>  
Subject: Withfrank.org- College Market

I just got off the phone with the prospect, he is in the college market.

<https://withfrank.org/>

He has a house file that he wants to append (augment data to). The second part is postal mailing.

He is looking for 10MM records and would like a call.

He is looking to move very "quickly" on this and would like a call today.

Are you available today for a call?

He is looking for **10MM records** and would like a call.

GOVERNMENT  
EXHIBIT  
2302  
SI 23-Cr-251 (AKH)



## Beware of the Rebuttal

### CROSS EXAMINATION



Patrick Vovor  
Director of  
Engineering

**F R A N K .**

COURT: Did they mention . . . that you could speak with [Mr. Glazer]?

WITNESS: I believe so.

COURT: [And] what did they say?

WITNESS: [. . .] **Mr. Amar said, this is not his expertise, but you can talk to him.**

## Beware of the Rebuttal

### REDIRECT EXAMINATION



Patrick Vovor  
Director of  
Engineering

**F R A N K .**

- Q. What happened to Mr. Glazer in August of 2021, with respect to his role at Frank?
- A. He left Frank.

## Beware of the Rebuttal

### REDIRECT EXAMINATION



**Mason Young**  
Senior Vice President



Q. Mr. Young, do you see where it says: Project Frontier Discussion with Capital One?

A. Yes.

Q. And then it says July 8, 12:30 to 1:00 p.m.?

A. Yes.

\* \* \*

Q. What does it say above Project Frontier discussion with Capital One?

A. Olivier@withFrank.org has accepted this invitation.

# Beware of the Rebuttal

## REDIRECT EXAMINATION



**Mason Young**  
Senior Vice President



- Q. I want to direct your attention to this e-mail: . . . We have some follow-up questions and thought it would be best to address them directly with Olivier on a 30-minute call. Do you see that?
- A. I do.
- Q. And you see that there are certain topics listed there?
- A. Yes.
- Q. So student age, FAFSA starts and completes . . . .
- A. . . . Because in his role as head of growth at Frank, he was responsible for customer acquisition . . .

**From:** RAHUL JINDAL <rahul.jindal@capitalone.com>  
**Sent:** Wednesday, July 7, 2021 2:29 PM  
**To:** Cowan, Houston <HCowan@lontree.com>  
**Cc:** Amanda Christianson <amanda.christianson@capitalone.com>; Agarwal, Bikhil <bikhi@lontree.com>; Mason Young <mason.young@capitalone.com>; Koskovich, Luke <l.koskovich@lontree.com>; Florian Cotera <florian.coteraberndt@capitalone.com>; Michael, Alex <AMichael@lontree.com>  
**Subject:** Re: [External Sender] RE: Call w/ Charlie & mgmt meetings

Hi Houston,  
 I hope that this email finds you well. Appreciate you organizing time with the team yesterday, following on from that meeting we had some follow up questions and thought it would be best to address them directly with Olivier on a 30 mins call today, if possible. Would you mind asking if he can connect with us at 5:30pm today?

Topics we would like to discuss:

- Student age / demographic split
- FAFSA starts and completion
- Retention / cross-sell by product

# Conclusion